

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LYNN A. HERNANDEZ,

Plaintiff

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§

§

v.

§ No. A-22-CV-00638-RP

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CARRINGTON MORTGAGE SE,

Defendant

§

§

ORDER

Before the Court is Plaintiff Lynn A. Hernandez's motion to reconsider the Court's order denying her motion to proceed *in forma pauperis*, Dkt. 4.

Motions for reconsideration of interlocutory orders are made under Federal Rule of Civil Procedure 54(b). *See Austin v. Kroger Tex., L.P.*, 864 F.3d 326, 336 (5th Cir. 2017). "Rule 54(b) allows parties to seek reconsideration of interlocutory orders and authorizes the court to 'revise[] at any time' 'any order or other decision . . . [that] does not end the action.'" *Id.* (quoting Fed. R. Civ. P. 54(b)). "Under Rule 54(b) 'the trial court is free to reconsider and reverse its decision for any reason it deems sufficient, even in the absence of new evidence or an intervening change in or clarification of the substantive law.'" *Id.* (quoting *Lavespere v. Niagara Mach. & Tools Works, Inc.*, 910 F.2d 167, 185 (5th Cir. 1990)).

In her motion, Hernandez explains that she did not include "all [her] monthly payments" in her original application to proceed *in forma pauperis* and indicates that she has not received child support payments from her ex-husband. Dkt. 4, at 1. Yet she does not dispute that her take-home pay is almost \$4,800 per month, or that she

owns multiple vehicles and a home—which the Court previously determined made her ineligible for *in forma pauperis* status since she need not “render [her]self destitute to prosecute [her] claim.” *Id.*; Dkt. 3, at 1-2 (quoting *Carter v. Teletron, Inc.*, 452 F. Supp. 939, 943 (S.D. Tex. 1976)). Nothing in Hernandez’s motion persuades the Court to reach a different conclusion upon reconsideration.

Based upon the foregoing, the Court **HEREBY DENIES** Hernandez’s motion for reconsideration, Dkt. 4, and **ORDERS** her to submit to the Clerk of the Court the \$400.00 filing fee in this cause on or before **September 6, 2022**. Failure to pay the filing fee on or before **September 6, 2022**, could result in the dismissal of this case.

SIGNED August 17, 2022.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE